

ENTERED

September 22, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ALLSTATE FIRE AND CASUALTY INSURANCE
COMPANY,
Plaintiffs,

V.

CARLOS HURTADO, ERICA P. DAVIS AND DATA
RUSH LOGISTICS, INC. D/B/A DATA RUSH
COURIERS, S.A.
Defendants.

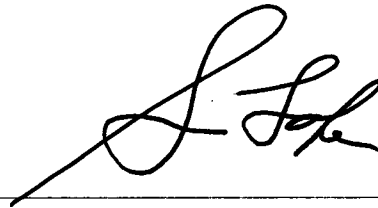
CIVIL ACTION NO. 4:21-cv-03686

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated August 31, 2022 (ECF 28) and no objections having been filed thereto, the Court is of the opinion that said Memorandum and Recommendation should be adopted by this Court.

It is therefore **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this Court. Plaintiff's request for a declaratory judgment that it does not owe a duty to defend Hurtado is **DENIED**; Plaintiff's remaining claims for declaratory judgment are **DISMISSED WITHOUT PREJUDICE** as not justiciable; and Plaintiff's Second Motion for Entry of Default and for Default Judgment (ECF 27) is **DENIED as moot**.

SIGNED at Houston, Texas this 22nd day of September, 2022.



SIM LAKE

SENIOR UNITED STATES DISTRICT JUDGE